

IC 34-30-14

Chapter 14. Health Care: Immunity of Certain Persons Who Administer Medications to Pupils at School

IC 34-30-14-1

Sec. 1. A school or school board may not:

(1) require a teacher or other school employee who is not employed as a school nurse or physician to administer medication, drugs, or tests described in section 2 of this chapter; or

(2) discipline a teacher or other school employee who:

(A) is not employed as a school nurse or physician; and

(B) refuses to administer medication, drugs, or tests without the written:

(i) authority of a pupil's parent or guardian; or

(ii) order of a practitioner;

required under section 2 of this chapter.

As added by P.L.1-1998, SEC.26.

IC 34-30-14-2

Sec. 2. If compliance with sections 3 and 4 of this chapter has occurred, a school administrator, teacher, or other school employee designated by the school administrator, after consultation with the school nurse, who in good faith administers:

(1) a nonprescription medication in compliance with the written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;

(2) a legend drug (as defined in IC 16-18-2-199 and including injectable insulin) in compliance with the:

(A) written order of a practitioner; and

(B) written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;

(3) a blood glucose test by finger prick in compliance with the written order of a practitioner; or

(4) any combination of subdivisions (1) through (3);

to a pupil is not liable for civil damages as a result of the administration except for an act or omission amounting to gross negligence or willful and wanton misconduct.

As added by P.L.1-1998, SEC.26.

IC 34-30-14-3

Sec. 3. The school shall keep on file the written permission of a pupil's parent or guardian and the written order of a practitioner.

As added by P.L.1-1998, SEC.26.

IC 34-30-14-4

Sec. 4. (a) This section applies if a school employee:

(1) is not a practitioner or an individual licensed under IC 25-23; and

(2) is responsible for administering injectable insulin or a glucose test by finger prick.

(b) The employee must obtain from a practitioner or a registered

nurse licensed under IC 25-23 the training that the practitioner or registered nurse determines is appropriate for providing the service.

(c) Before the school employee provides the service, the school must have on file a written statement from the practitioner or registered nurse that indicates the school employee has received the training required under this section.

As added by P.L.1-1998, SEC.26.

IC 34-30-14-5

Sec. 5. This chapter is subject to IC 34-13-3.

As added by P.L.1-1998, SEC.26.

IC 34-30-14-6

Sec. 6. A school or school board is not liable for civil damages as a result of a student's self-administration of medication for an acute or chronic disease or medical condition as provided under IC 20-8.1-5.1-7.5 except for an act or omission amounting to gross negligence or willful and wanton misconduct.

As added by P.L.264-2001, SEC.5.